THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 21442 of 2007

Date:01-11-2007

Between:

Ganta Venkata Ramana Reddy
.. PETITIONER

AND

The Govt. of A.P. rep. By its Principal Secretary, P.R.Dept.,Hyderabad and two others
..
RESPONDENTS

-

ORDER:

The petitioner seeks a writ of mandamus to declare the O.P.No.17 of 2007 now pending on the file of the Principal District Judge, Karimnagar, filed by the 2nd respondent as not maintainable and consequently to direct the learned Principal District Judge, Karimnagar to reject the O.P.No.17 of 2007.

It is the case of the petitioner that he is the elected Z.P.T.C. of Kamanpur village of Karimnagar District in the elections held in the month of June, 2006. It is stated that the 2nd respondent/Chief Executive Officer, Zilla Parishad, Karimnagar filed O.P.No.17 of 2007 on the file of the Principal District Judge, Karimnagar to resolve the dispute of disqualification said to have been incurred by the petitioner under Section 19(2)(d) of the A.P. Panchayat Raj Act (for short 'the Act'). The contention of the petitioner is that before applying to the District Judge to resolve the dispute of disqualification by the Chief Executive Officer of the Zilla Parishad, he should have obtained a direction from the Zilla Parishad or the Commissioner for filing the said original petition.

The learned Government Pleader appearing for the respondents submits that the Chief Executive Officer himself filed the said original petition and therefore, there cannot be any legal impediment or objection to entertain the original petition by the District Judge as contemplated under Section 22 of the Act. It is further stated that the petitioner was having subsisting contract as certified by the Executive Engineer (RWS), Karimnagar and therefore, the petitioner

incurred disqualification under Section 19(2)(d) of the Act and accordingly, the Chief Executive Officer himself applied to resolve the question of disqualification.

I am not inclined to express any opinion with regard to the merits of the case as the said original petition is pending before the District Judge to resolve the question of dispute. Further it is always open for the petitioner to raise all objections in the said original petition pending on the file of the District Judge, Karimnagar. Hence, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

_____

V.ESWARAIAH, J.

Date:01.11.2007
ccm